

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended claims 24-25, 28-29, 31, and 33-34; claims 26-27, 30, 32, 35, and 37 have been canceled. Applicant respectfully submits no new matter has been added. Accordingly, claims 24-25, 28-29, 31, 33-34 and 36 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Examiner Objections - Claims**

Claims 28-32 were objected to because of informalities. The Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claims as suggested by the Examiner in order to correct the informalities. The Examiner's consideration of the amended claims is respectfully requested.

### **3.) Claim Rejections – 35 U.S.C. §101**

The Examiner rejected claims 28-32 on the asserted basis that those claims are directed to non-statutory subject matter. The Applicant has accordingly amended Claims 28-29 and 31 to be a "method for providing a Push-to-Talk over Cellular (PoC) service" within a telecommunication network server. The Applicant respectfully submits that the amended claims are now directed to statutory subject matter.

### **4.) Claim Rejections – 35 U.S.C. § 112**

Claims 25, 29, and 34 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Claims 25, 29, and 34 have been amended to correct the antecedent basis problem in each claim.

**5.) Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 24, 25, 28, 29, 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shtivelman, *et al.* (US 6263066) in view of Keller, *et al.* (US 7366780).

The Applicant extremely appreciates the Examiner's comments and has amended the Claims to more clearly and distinctly claim the subject matter to which the Applicant claims as his invention. More specifically, the Applicant has amended independent claim 24 to incorporate dependent Claims 26 and 27 into independent form. Likewise, dependent Claims 30 and 32 have been incorporated into Independent Claim 28, and dependent Claims 35 and 27 into independent Claim 33. A favorable review and reconsideration is earnestly requested.

The present invention discloses and claims a system and method for providing a Push-to-Talk over Cellular (PoC) service within a telecommunication network. In accordance with the teachings of the present invention, a PoC floor request is handled by a PoC sever wherein the floor request comprises a floor request message which includes an indication of the media type associated with the floor request. As further disclosed in the present application, the PoC server controls which user (user equipment unit) has the right to communicate through a request/response mechanism known as "floor control." Basically, in floor control, a user who wishes to communicate makes a request and then waits for a response that either grants or denies the user's request. In accordance with the teachings of the present invention, such a PoC floor request includes an indication of the media type associated with the floor request. In the event such a request cannot be immediately granted by the server, a queue is provided where the requested floor request can be queued based on the indicated media type. As further disclosed in the present invention, when a user equipment unit is already engaged in a PoC call and submits a floor request to the PoC server, such a floor request will then be queued based on the indicated media type in accordance with the present invention. The floor request handler then prioritizes the floor request within the queue based on the media type. Further in accordance with the present invention, while the requesting user equipment receives a first service from the PoC server, a

second media service which is associated with the queued floor request can be uploaded to the PoC server.

The above recited invention can be further illustrated in Fig 1A wherein Member B is talking to the rest of the PoC groups (Members A, C, D, and E). Member C, while listening to Member B, wishes to provide the other members with an image containing some information. Hence, Member C send a floor request to the PoC server wherein his request message is queued based on his media type. Then, his image information can be uploaded to the PoC server while member C is listening to Member B.

The Applicant submits that the cited references, independently or in combination, fail to anticipate or rendered obvious now amended independent Claims 24, 28, and 33. Even though Shtivelman discloses a queuing system in a call center where live calls and voice mail messages can be queued and stored, it fails to disclose a PoC server which facilitates a PoC group call over a radio interface between different user equipment units wherein a PoC server handles a floor request from a requesting user equipment unit including an indication of the media type. Furthermore, it simply fails to disclose or teach a PoC server which enables a requesting user equipment to receive a first service from the PoC server while enabling a second media service associated with the queued floor request to be uploaded to the PoC server. Likewise, the Keller reference similarly fails to anticipate or render obvious the above recited element. The Examiner's cited portion of Keller (Col. 18, lines 23-24), or any other portion thereof, merely discloses the step of establishing a communication link with a non-dispatch device. However, there is nothing in Keller that teaches or discloses the novel step of allowing the requesting user equipment to upload the requester's multimedia data to the PoC server that has been granted queue-status based on the media type while the requesting user equipment is further receiving a service from the PoC server.

The Applicant therefore respectfully submits that independent Claims 24, 28, and 33 are patentable over the cited references and a Notice of Allowance is earnestly requested.

Claims 25-27, 29-32 and 34-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shtivelman, *et al.* (US 6263066) in view of Keller, *et al.* (US

7366780). Claims 26, 27, 30, 32, 35 and 37 have been cancelled and their limitations incorporated into their respective independent Claims. The remaining Claims depend from amended independent claims 24, 28, and 33 and recite further limitations in combination with the novel elements thereof. Therefore, the allowance of Claims 25, 29, 31, 34, and 36 is respectfully requested.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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